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AC SQUARE, INC., AFSHIN GHANEH,
ANDREW BAHMANYAR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DANIEL KEATING-TRAYNOR on
behalf of himself and all others similarly
situated,

Plaintiffs,

v.

AC SQUARE, INC.; COMCAST INC.;
AFSHIN GHANEH; ANDREW
BAHMANYAR; and DOES 1 THROUGH
60, inclusive,

Defendants.

Case No. CV-08-3035-MHP

**[CALIFORNIA ACTION NO. CIV 464144
(CONSOLIDATED BY ORDER OF
COURT WITH CIV 473571)]**

**[PROPOSED] ORDER GRANTING
DEFENDANTS AC SQUARE, INC.,
AFSHIN GHANEH AND ANDREW
BAHMANYAR'S MOTION TO DISMISS**

Date: September 8, 2008

Time: 2:00 p.m.

Dept: Courtroom 15

Judge: Honorable Marilyn H. Patel

Defendants AC Square, Inc., Afshin Ghaneh and Andrew Bahmanyar's (hereafter collectively referred to as "Defendants") Motion to Dismiss Plaintiff's first, second, third, fourth and fifth causes of action from Plaintiff's Complaint, action number CV-08-3025-MHP came on regularly for hearing before this Court on September 8, 2008. Ronald A. Peters, Esq. appeared as attorney for Defendants AC Square, Inc., Afshin Ghaneh and Andrew Bahmanyar. Daniel Berko appeared as attorney for plaintiff, Daniel Keating-Traynor. After considering the moving papers, the papers submitted in opposition to the motion, the papers submitted in reply to the opposition, arguments of counsel and all other matters presented to the Court, IT IS HEREBY ORDERED THAT, the motion is GRANTED. Plaintiff's first cause of action for "Conspiracy to Violate

[Proposed] Order Granting Motion to Dismiss
Case No. CV-08-3035-MHP

Business and Professions Code § 17200” is dismissed as it fails to state facts sufficient to constitute a cause of action against Defendants; Plaintiff’s second cause of action for “Violation of Fair Labor Standard Act” is dismissed as it fails to state facts sufficient to constitute a cause of action against Defendants; Plaintiff’s third cause of action for “Conspiracy to Violate the Fair Labor Standard Act” is dismissed as it fails to state facts sufficient to constitute a cause of action against Defendants; Plaintiff’s fourth cause of action for “Failure to Pay Monies Due at Termination of Employment” is dismissed as it fails to state facts sufficient to constitute a cause of action against Defendants; Plaintiff’s fifth cause of action for “Conspiracy to Violate [California] Labor Code Section 558” is dismissed as it fails to state facts sufficient to constitute a cause of action against Defendants.

Dated: _____

JUDGE MARILYN H. PATEL

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